

Department of Permits Approvals and Inspections  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 67962

Samuel Adegbenro

2021 North Rolling Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 26, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC). The Respondent was charged with violating BCC § 35-2-301 and 35-2-304: failure to obtain permit to construct elevated deck attached to existing shed in rear yard; BCC Article 32 Titles 4, 6 and 8, and Baltimore County Council Bill 47-10: platform and/or shed structure determined to be within 100 year riverine floodplain.

On March 9, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector James Garland issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$24,400.00 (twenty four thousand four hundred dollars).

The following persons appeared for the Hearing and testified: Samuel Adegbenro, Respondent and owner of the premises and James Garland, Baltimore County Building Inspector.

Inspector Garland presented the County's case, and testified that the Respondent has removed 90% of the illegally-constructed decking and structures. At present, the remaining violation concerns a portion of a deck/shed which protrudes into the floodplain, as revealed by the Respondent's own site plan and a digital aerial photo submitted by Mr. Garland. The Respondent disagreed the shed was intruding into the floodplain, but no evidence was submitted to support this allegation. Based on the testimony and exhibits, I find that the Respondent is in violation of the above cited BCC provisions concerning construction activities or structures in the flood plain.

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the entire \$2,000.00 civil penalty be suspended, for a period of sixty days.

If the property is not brought into compliance by June 27, 2011, the \$2,000.00 civil penalty will at that time be automatically imposed without the necessity of a further Order or Hearing and placed as a lien on the property

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28<sup>th</sup> day of April 2011

Signed: Original Signed 4/28/11  
John E. Beverungen  
Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf